

EXHIBIT 1

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

- - -

CORY SPENCER, an individual,)
DIANA MILENA REED, an)
individual; and COASTAL)
PROTECTION RANGERS, INC., a)
California non-profit public)
benefit corporation,)

Plaintiffs,)

vs.)

No. 2:16-cv-02129-SJO (RAOx)

LUNADA BAY BOYS; THE)
INDIVIDUAL MEMBERS OF THE)
LUNADA BAY BOYS, including)
but not limited to SANG LEE,)
BRANT BLAKEMAN, ALAN)
JOHNSTON, MICHAEL RAE)
PAPAYANS, ANGELO FERRARA,)
FRANK FERRARA, CHARLIE)
FERRARA, and N.F.; CITY OF)
PALOS VERDES ESTATES; CHIEF)
OF POLICE JEFF KEPLEY, in his)
representative capacity; and)
DOES 1-10,)

Defendants.)

DEPOSITION OF

STEVEN BARBER

IRVINE, CALIFORNIA

JUNE 22, 2017

ATKINSON-BAKER, INC.
COURT REPORTERS
(800) 288-3376
www.depo.com

REPORTED BY: DENISE J. PAGANO, CSR. 7233
FILE NO.: AB064C5

1 A Correct, yes. 10:49

2 Q And would it be similar, 20 years or so?

3 A Oh, yeah, yeah.

4 I think John even had more than that at the time he
5 became chief.

6 Q Do you know -- can you give me a quick -- in terms
7 of -- I understand you went to -- a quick history on your
8 education. I mean, did you -- starting with high school
9 actually, in this case, where did you go to high school?

10 A I went to Miraleste High School in Rancho Palos
11 Verdes.

12 Q And what year did you graduate?

13 A 1988.

14 Q How many other high schools in 1988 were there on
15 the peninsula at that time? 10:50

16 A There were three.

17 Q Including Miraleste or three others?

18 A That's three including Miraleste, so two others.

19 Q What are the two others?

20 A Palos Verdes High School.

21 Q Is that the one in Lunada Bay neighborhood?

22 A Correct.

23 Q And how about -- what's the third one?

24 A Rolling Hills High School.

25 Q And that's in Rolling Hills?

1 Q And in terms of the Ferrara family, how many 10:57

2 members of that family do you know either professionally or
3 otherwise?

4 A I just -- professionally, but one of them -- the
5 mother of a couple of them went to high school with me. Her
6 names Leonora.

7 MS. BACON: Belated objection. Compound and vague
8 and ambiguous.

9 BY MR. FRANKLIN:

10 Q So Leonora, was Buchema (phonetic) her maiden name,
11 or was that her first married name? Do you know?

12 A I remember being Leonora Walters --

13 Q Okay.

14 A -- or Walter.

15 Q So Leonora Walter is a Miraleste class of 1988? 10:58

16 A Yes.

17 Q Do -- WHO -- you said you know Leonora outside of
18 work, because you went to high school with her.

19 Do you know -- related to your police work in Palos
20 Verdes, can you recall names of any other Ferraras?

21 A Angelo, Leo and Nick, and I -- I know the name,
22 Frank Ferrara, but I'm not real -- I -- I'm not familiar --
23 I've really never talked to Frank too often. I think maybe
24 once in my career there.

25 Q Have you had the occasion to talk to Angelo during

1 that, no.

11:20

2 Q And Leonora -- was it Walters?

3 A Uh-huh.

4 Q -- she's Mr. -- she's Angelo's wife?

5 A Yes.

6 Q Have you had occasion to meet with Leonora related
7 to your work?

8 A Yes, and only involving N.F.

9 Q How about unrelated to work? Other than since '88,
10 have you had a personal relationship?

11 A No. We weren't good friends.

12 Q And then how about Leo? You mentioned him.

13 It's Leo Ferrara?

14 A That is correct.

15 Q And have you had occasion to interact with Leo
16 Ferrara related to work?

11:21

17 A Yes, I know that he -- I've seen him frequently in
18 the Lunada Bay area. I believe he -- he surfs down there.

19 Q And your reason to -- have you checked -- have you
20 had a reason to talk to him work-related?

21 A Not -- you know, honestly, I don't think I've ever
22 work-related had to talk to Leo.

23 Q And then how about an Anthony Buchema? Do you know
24 that name?

25 A I know that name, but I'm not familiar with

1 A I'm sure.

12:08

2 Q Do you know if the Ferraras have ever made a
3 donation?

4 A I have no idea if the Ferraras have.

5 Q How about someone named Charlie Mowat?

6 A Charlie probably has made a donation in the past.
7 He's a resident.

8 Q Do you know Mr. Mowat?

9 A Yes, I do.

10 Q And do you know him permanently?

11 A I do.

12 Q And how do you know him personally?

13 A I've probably gotten to know Charlie just over the
14 years of seeing him around in the city. He went to -- he's
15 a local guy. He went to Palos Verdes High School, went to 12:09
16 Margate Intermediate. He's a pilot. Just become friendly
17 with him over the years. Nice guy, and so I consider
18 Charlie a friend.

19 Q Okay.

20 A Yeah.

21 Q And does -- consider him a friend, does that mean
22 family vacations and that type of thing?

23 A Nothing like that; not that close, no.

24 Q Okay. But over to his house for events and that
25 type of thing?

1 A I have been, yes. 12:10

2 Q Okay. Barbecues?

3 A Yes.

4 Q Poker?

5 A No, never played poker with Charlie.

6 Q Is there -- do any of the officers play poker with
7 any of the residents, do you know?

8 A No, not that I know of, no.

9 Q How about -- do you know if Brant Blakeman has made
10 any donations to the POA?

11 A I'm not sure if Brant has or not.

12 Q How about his wife? Would you know if she's made a
13 donation?

14 A Like I said, I can't remember the last time I
15 actually looked at a list of who donated. 12:10

16 Q And I'm going to ask about a few -- how about
17 Mr. Papayans? Do you know the Papayans family?

18 A I do.

19 Q And is there a -- there is a Michael more senior
20 Papayans. Do you know that person?

21 A Yes.

22 Q Do you know if he's ever made a donation?

23 A Like I said, I don't know.

24 Q Do you recall any other donations by any
25 individuals?

1 Q How do you know John Camplin? 12:44

2 A He is a resident or lived in PV -- I don't know if
3 he lives in PV Estates anymore. He is a surfer who surfs
4 Lunada Bay. I've gotten to know John a little bit through
5 Charlie Mowat, but that's the extent of John.

6 Q A barbecue or something?

7 A Yeah, yeah, he's been around for a long time,
8 though, so . . .

9 Q How about Michael Thiel? Have you -- I'm going
10 back to the -- have you ever texted him on your personal
11 phone --

12 A No.

13 Q -- or communicated to Michael?

14 Did you know Michael?

15 A Yes. 12:44

16 Q How do you Michael Thiel?

17 A He's a resident of PV Estates, who, also, frequents
18 Lunada Bay, but I don't even know if he surfs.

19 Q Do you know -- other than frequent Lunada Bay, do
20 you know what his interest is in Lunada Bay?

21 A Just that he lives in Lunada Bay.

22 Q Oh, the community?

23 A Yeah.

24 Q How about Mark Griep?

25 A I have never texted Mark Griep.

1 surfs in Lunada Bay.

12:52

2 Q And have you socialized with Alex?

3 A At one of Charlie's barbecues, yes.

4 Q How about Dudley Gray? Do you know that?

5 A I know he's a judge. I've never met him.

6 Q Is that Alex's father, to your understanding?

7 A Yes.

8 Q How about a name, Peter McCollum? Do you know that
9 name?

10 A I know the name.

11 Q How do you know the name?

12 A He was involved in an incident -- '95. I don't
13 know. I had just gotten on, I believe. There was a -- an
14 argument, and it made the news. I know he was on it. I
15 know the video shows him kind of yelling on the video, but
16 that's all. I've never met Mr. McCollum in my life, though.

12:53

17 Q Okay. So the video of Mr. McCollum interacting on
18 the top of the bluff with -- I think it's a Mr. Hagens and
19 Hamboy. Do you recall seeing that video?

20 A Yes, I did see that.

21 Q When did you see that?

22 A Probably not long after it happened.

23 Q And were you assigned to -- was he charged by the
24 Palos Verdes Estate Police Department?

25 A I don't recall. I --

1 Q Do you know Hank Harper? 12:58

2 A I do.

3 Q How do you know Hank Harper?

4 A I've known Hank Harper for a while. We've been out
5 to his house professionally a few times.

6 Q What was the occasion to visit his house
7 professionally?

8 A His wife was having some issues at the time.

9 Q Okay. Do you know if the officer that has interest
10 in lobsters has ever visited his house or the officers --
11 the officers interested in Fish and Game rules?

12 A No, no.

13 Q I'm going to ask you about -- well, actually, it's
14 almost 1:00 o'clock. Why don't we take our lunch now and we
15 can come back. I was about to go into a new area. 12:59

16 Is that okay with you?

17 A That's fine with me.

18 MR. FLAUTT: Okay.

19 (Lunch recess.)

20 MR. FRANKLIN: Back on the record.

21 BY MR. FRANKLIN:

22 Q Sergeant Barber, you understand you're still under
23 oath?

24 A I do.

25 Q Are you familiar with a structure in Lunada Bay

1 that some refer to as a patio and others refer to as a fort 13:59

2 but, it was removed in the end of November 2016?

3 A Yes.

4 Q Had you been down on that structure before your
5 time as a police officer?

6 A Yes.

7 Q About how many times had you been down there?

8 A Maybe a handful. Maybe four or five times.

9 Q Four or five times in 20 years or so?

10 A Yes.

11 Q Had you ever been down there outside of work?

12 A No.

13 Q So the four or five times you'd visited were
14 work-related?

15 A That's correct. 14:00

16 Q And do you remember the first time you were down
17 there?

18 A No, I don't recall the exact first time. I just --
19 it was a call probably for service.

20 Q Do you remember about when that first call was?

21 A Probably very early on in my career.

22 Q Do you remember anything about that first call
23 early in your career?

24 A No, not at all.

25 Q How about the second time you were down on that

1 MR. FRANKLIN: And then 262 is another Stipulated 14:07
2 Protective Order that I'm going to represent this one was
3 initiated pursuant to discussion with Mr. Blakeman's
4 counsel, and this one is dated February 27th, 2017, and that
5 will be 262.

6 (Deposition Exhibit 262 was marked for
7 identification by the court reporter.)

8 MR. RICHARDS: Kurt, do you want me to pass those?

9 MR. FRANKLIN: No, I just want to keep those.

10 And as 263, I'm going to mark -- that I'll going to
11 represent is a copy of a map of the Lunada Bay area that my
12 office has outlined portions of it with hash marks. It's
13 sort of the greater Lunada Bay area, the coastal portions of
14 it, and that will be marked as 263.

15 (Deposition Exhibit 263 was marked for 14:08
16 identification by the court reporter.)

17 BY MR. FRANKLIN:

18 Q And I'm going to -- 263 I'm going to put in front
19 of you, Sergeant Barber.

20 Do you recognize that as being a map of the general
21 Lunada Bay coastal area?

22 A Yes.

23 Q And do you know which way on that piece of paper is
24 north?

25 A What is north?

1 Q Paul Ruth? 14:23

2 A No.

3 Q Tom Sullivan?

4 A Yes.

5 Q How do you know that name, Tom Sullivan?

6 A Tom I've known for, gosh, since I started. He's
7 frequented Lunada Bay for a long time. I do know he surfs
8 down there, so I've just been familiar with Tom for a while.

9 Q And have you -- are you friends Mr. Sullivan
10 outside of work?

11 A No, but I have seen him at the party at Charlie
12 Mowat's.

13 Q When was the last time you attended a party at
14 Charlie Mowat's?

15 A Maybe a couple of years ago. I really can't 14:24
16 recall.

17 Q How about Brian White? Do you know that name?

18 A No.

19 Q David Yokley?

20 A No.

21 Q Jason Stafford?

22 A Yes.

23 Q How do you know that name?

24 A Jason has lived in PV Estates for a long time. He
25 does hang around with a lot of the guys that surf Lunada

1 personnel. 14:29

2 Q Have you ever heard of any of the Buchemas being
3 out there in black face?

4 A No.

5 Q Have you ever heard of there being a charge that
6 Mr. Camerly, one of the Buchemas or one of the Ferraras
7 saying something to this effect; "You don't pay enough taxes
8 to be here"?

9 MS. BACON: Vague and ambiguous, compound.

10 THE WITNESS: I never heard that before.

11 BY MR. FRANKLIN:

12 Q I forget. Do you know Sang Lee?

13 A I know Sang Lee, yes.

14 Q How do you know Sang Lee?

15 A Sang Lee, I believe he was born and raised in PV, 14:30

16 and he surfs Lunada Bay.

17 Q Have you --

18 A He's a roofer.

19 Q He's a roofer?

20 A I think that's what his job is.

21 Q And have you seen Mr. Lee at Mr. Mowat's parties?

22 A No.

23 Q Do you ever communicate with Mr. Lee outside of
24 work?

25 A No.

1 makes that recommendation of an investigative report being 15:00
2 elevated?

3 A I'm not sure on any type of documentation.

4 Q Do you recall going out to Mr. Blakeman's house on
5 February 29th, 2016 about noon to talk to him about what
6 happened down -- between him and Mr. Johnston and Diana
7 Milena Reed?

8 A Yes.

9 Q What do you recall?

10 A Sergeant Coalinga knew that I knew Brant, had -- I
11 guess, during their course of their investigation, they had
12 found out that Mr. Blakeman had possibly videotaped the
13 incident, so because I have a better rapport with Brant
14 Blakeman, I Lou Coalinga asked me to go and ask him if he
15 has a copy of it. 15:02

16 Q And do you know what happened?

17 A Brant said, "I don't have anything. I'm sorry."

18 Q So he told you, "I don't have any video of that"?

19 A He wouldn't -- well, I mean, I wouldn't say he
20 wouldn't cooperate, but he just said, "No, I have nothing.
21 I really don't want to comment on it."

22 Q And in terms of interacting with an officer, if
23 someone's untruthful as part of that, is that a crime?

24 A It -- if someone's untruthful?

25 Q You've tried to follow-up on a lead and someone

1 THE WITNESS: Yeah, I mean, it all depends on the 16:14
2 person. I don't ---I can't speak for them.

3 BY MR. FRANKLIN:

4 Q Are -- if you were approached by someone that
5 wanted to surf Lunada Bay, would you be able to tell them
6 how they would get down to the beach safely?

7 MR. FLAUTT: Improper hypothetical, lacks
8 foundation, calls for speculation.

9 THE WITNESS: If I -- if I could tell them to get
10 down to the beach how or how safely they could get down?

11 BY MR. FRANKLIN:

12 Q Yeah, just the act. Let's start with that.

13 If someone sitting on the blufftop as this
14 hypothetical and says, "Hey, officer, I'd like to get down
15 to the beach," where would I do that? 16:15

16 A There are two trails that most people use, but in
17 my mind, I don't think either one is safe to traverse down
18 there. It's safe to go down there, but it's not safe to get
19 down there, if you know what I mean.

20 The trails are slippery, and it's -- I mean, that's
21 why a lot of officers, I mean, we -- we don't want to
22 traverse those trails, because we may fall and break our
23 necks, and that's the only thing I would tell people.

24 Q So what would you say? That the trails are
25 dangerous?

1 Verdes Estates issues a week?

17:12

2 A No, I don't have a real good estimate on that.

3 Q Do you know if there is a report generated on that
4 where they have information?

5 A Yeah, I'm sure you could -- yeah, that could be
6 provided with a public records request.

7 Q How about parking tickets? Are those less common
8 than moving vehicle violation tickets or --

9 A No, we have a parking enforcement officer, who does
10 write a lot of parking tickets.

11 Q Okay.

12 A We have a lot of timed areas.

13 Q Are the timed areas in the beach -- in the coastal
14 areas or different?

15 A The shopping plazas.

17:13

16 Q Okay. Does the -- if a vehicle citation is -- a
17 moving vehicle citation is issued, are cars impounded
18 sometimes, or can that happen? Can a car be impounded?

19 A Can a car be impounded for -- oh, yeah, yes,
20 stored, impounded.

21 Q Whose decision is that? How does that -- how
22 does someone -- what happens? Why would car be impounded?

23 A Somebody who has a suspended driver's license who's
24 been driving, and that's a big reason why. A driver has

25 been arrested, and, obviously, nobody else can drive the car

1 away.

17:14

2 Q How many times a week is a car impounded? Do you
3 know?

4 A Well, there is a difference between stored and
5 impounded. We store vehicles.

6 Q Can you explain that difference to me?

7 A Stored is temporary.

8 Q Okay.

9 A Impounded usually means like a 30-day hold.

10 Q So you can't get your car out for 30 days?

11 A Correct, or it's impounded for evidence.

12 Q Okay. That makes sense. And that goes somewhere?

13 A Right. Stored means you've towed it, because it's
14 been parked for more than 72 hours in one area on a street,
15 or it's been -- the driver has been arrested, and there is
16 nobody else to drive it away.

17:15

17 Q Would something like a broken taillight or that
18 type of thing, would cars be stored for that?

19 A No.

20 Q Is there -- where are cars stored if it's stored?

21 A At a tow yard.

22 Q What tow yard is that?

23 A The company's name is Vanlingen, V-a-n-l-i-n-g-e-n.

24 Q Where is that Vanlingen?

25 A Torrance.

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REPORTER'S CERTIFICATE

I, DENISE J. PAGANO, CSR. No. 7233, Certified
Shorthand Reporter, certify;

That the foregoing proceedings were taken before me
at the time and place therein set forth, at which time the
witness, STEVEN BARBER, was put under oath by me;

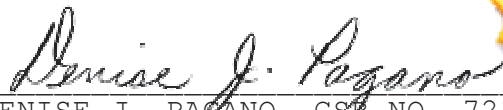
That the testimony of the witness, the questions
propounded, and all objections and statements made at the
time of the examination were recorded stenographically by me
and were thereafter transcribed;

That the foregoing is a true and correct transcript
of my shorthand notes so taken.

I further certify that I am not a relative or
employee of any attorney of the parties, nor financially
interested in the action.

I declare under penalty of perjury under the laws
of California that the foregoing is true and correct.

Dated this 5th day of July, 2017.


DENISE J. PAGANO, CSR NO. 7233

